

### REMARKS

In the Office Action dated October 20, 2003, claims 1-44 and 47 were rejected. Claims 1-44 and 47 are now pending in the application. In view of the remarks and amendments, Applicant respectfully requests reconsideration of the application.

The Examiner rejected Claim 1 under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter. Applicant amended Claim 1 to overcome this rejection.

Claims 1-44 and 47 were rejected under U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,892,900 (hereinafter Ginter) in view of U.S. Patent No. 6,025,868 (hereinafter Russo).

Applicant has amended Claims 1, 14, 29, 41, and 47 to include the limitation of:

wherein the embedded content includes data  
information representing content for use by the  
transaction device and header information  
representing a charge amount for use of the data  
information

Applicant believes that both Ginter or Russo singly or in combination fails to teach, hint or suggest embedded content having both data information that represents content and header information that represents a charge amount for use of the data information. For example, Russo teaches use of encryption of the data information to control access to the content and relies on a centralized

billing system similar to Ginter (Russo column 7, line 42 through column 8, line 2).

Therefore, Ginter in combination with Russo fails to render Claims 1, 14, 29, 41, and 47 unpatentable. Thus, independent Claims 1, 14, 29, 41, and 47 are in condition for allowance. In addition, Claims 2-13 depend directly or indirectly on Claim 1 and therefore, are patentable for at least the same reasons discussed above. Claims 15-28 depend directly or indirectly on Claim 14 and therefore, are patentable for at least the same reasons discussed above. Claims 30-40 depend directly or indirectly on Claim 29 and therefore, are patentable for at least the same reasons discussed above. Claims 42-44 depend directly or indirectly on Claim 41 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Respectfully submitted,

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